

REMARKS

In the Office Action mailed October 22, 2003, the Examiner noted that claims 1-6 were pending, allowed claims 1-3, and rejected claims 4-6. The Examiner's rejection is traversed below.

On pages 2 and 3 the Examiner rejected claims 4-6 under 35 USC section 101 for statutory double patenting over claim 1 of US Patent 6,642,927. As noted by the Examiner on page 2, statutory double patenting is based on the claims being "drawn to identical subject matter." As admitted by the Examiner, on page 3, claim 4 of the present application is broader ("a broader presentation") than claim 1 of US Patent 6,642,927 particularly by, as the Examiner noted, "leaving out 'during a two-handed drag operation' ". Thus, claim 4 is not drawn to identical subject matter but "broader" subject matter as acknowledged by the Examiner. Claims 5 and 6 also do not include this limitation noted by the Examiner and are therefore also drawn to different or broader subject matter. In addition, as noted by the Examiner claim 6 is a method claim while claim 1 of US Patent 6,642,927 is a system claim. 35 USC section 101 authorizes different statutory classes of invention, among them processes and machines. Claim 1 of US Patent 6,642,927 falls into one class (machine) while claim 6 of the present application falls into another class (process). It is submitted that claim 6 is also not drawn to identical subject matter as claim 1 of US Patent 6,642,927 as defined by the statute itself. Withdrawal of the rejection is respectfully requested.

It is submitted that the claims satisfy the requirements of 35 U.S.C. 101. It is also submitted that claims 1-3 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.


Serial No. 10/637,601

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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